

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of:

Albert M. Avery IV, et al.

Application No.: 09/650,218

Filed: August 29, 2000

Attorney Docket No.: 4609.P002

Customer No.: 08791

For: INTERNET CO-LOCATION FACILITY
SECURITY SYSTEM

Examiner: Chen, Shin Hon

Art Unit: 2131

Commissioner for Patents

P.O. Box 1450

Alexandria VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.131

We, Albert M. Avery, Jay Steven Adelson, and Derrald Curtis Vogt, declare the following:

1. We are the inventors of the above identified patent application. We are also employees or former employees of the assignee, Equinix, Inc. (hereinafter "Equinix"), of the application.

2. We have reviewed the application, including the claims of the application, and we have also reviewed a copy of the current claims which are pending (a copy of which is attached as Exhibit A).

3. The declaration made herein is to establish reduction to practice prior to May 19, 2000, which is the effective filing date of U.S. Patent 6,496,595 by Puchek.

4. We reduced to practice the claimed invention (in the claims of Exhibit A) prior to May 19, 2000.

5. Exhibit B attached herewith is an Invoice from BSTZ to Equinix, Inc. for patent preparation work on the above U.S. patent application no. 09/650,218 describing a co-location facility security system prior to May 19, 2000. Exhibit B demonstrates that the claimed invention was reduced to practice prior to May 19, 2000. Note that certain portions of the invoice such as fees have been redacted.

6. Based on the above description and as is evident from the attached exhibits, reduction to practice of the subject matter, for its intended purpose, was accomplished at least prior to May 19, 2000.

7. We declare, to the best of our knowledge, that all statements made in this document are true, and that all statements made on the information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified patent application or any patent issued thereon.

Dated: May 16, 2005



Name: Albert M. Avery

Dated: _____

Name: Jay Steven Adelson

Dated: _____

Name: Derrald Curtis Vogt



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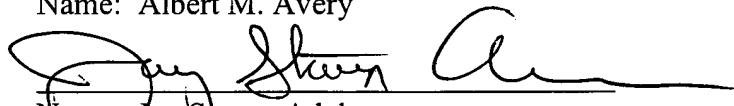
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Dated: _____

Name: Albert M. Avery

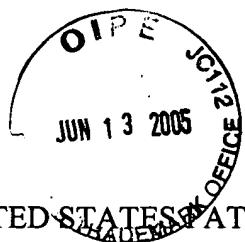


Name: Jay Steven Adelson

Dated: 5/16/05

Name: Derrald Curtis Vogt

Dated: _____



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Application No.: 09/650,218

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Dated: _____

Name: Albert M. Avery

Dated: _____

Name: Jay Steven Adelson

Dated: 5-16-05


Name: Derral Curtis Vogt



Exhibit A

1. (Previously Presented) An Internet co-location facility security system, comprising:
 - a plurality of biometrics readers;
 - an access control system coupled to the plurality of biometrics readers;
 - a computer including a central software program connected to the access control system, the central software program configured to monitor the use of the plurality of biometrics readers;
 - a server including a database connected to the central software program, the database configured to receive information from the central software program regarding the use of the plurality of biometrics readers by a visitor associated with a co-located member during a visit to the co-location facility, the server further configured to transmit this information through the Internet to a web-based interface; and
 - the web-based interface further configured to allow the co-located member, or the visitor associated with the co-located member, to schedule the visit to the co-location facility via the Internet.

2. (Previously Presented) The Internet co-location facility security system of Claim 1 further including an input device coupled to each of the plurality of biometrics readers for entry of a visitor identification code of the visitor, wherein the access control system is configured to allow the visitor to gain access to designated areas in the facility upon a match between the visitor identification code and the visitor's personal identification characteristics.

3. (Previously Presented) The Internet co-location facility security system of Claim 2 wherein the access control system further includes a transmitter to transmit the information regarding the use of the plurality of biometrics readers to the central software program, the information regarding the use of the plurality of biometrics readers including the visitor identification code and the date and time the visitor used one or more of the plurality of biometrics readers.

4. (Original) The Internet co-location facility security system of Claim 1 wherein information regarding the scheduled visits transmitted by the co-located members through the Internet to the database on the server includes the date, time, expected duration of a scheduled visit, and a visit identification number for the scheduled visit.

5. (Previously Presented) The Internet co-location facility security system of Claim 1 wherein the server further includes a transmitter to transmit information regarding the scheduled visits to the central software program through a network.

6. (Previously Presented) The Internet co-location facility security system of Claim 1 further including a front entrance biometrics reader for initial access to the facility, upon initial use at the front entrance the biometrics reader configured to trigger the central software program to transmit information regarding the use of the front entrance biometrics reader to a lobby workstation.

7. (Previously Presented) The Internet co-location facility security system of Claim 1 further including a user interface to trigger the central software program to combine a visitor identification code with a visit identification number for the scheduled visit.

8. (Original) The Internet co-location facility security system of Claim 7 wherein the user interface authorizes a visitor to progress through the remainder of the facility using the plurality of biometrics readers.

9. (Original) The Internet co-location facility security system of Claim 1 wherein information regarding the use of the plurality of biometrics readers is transmitted by the central software program through the network to the database on the server, the information including a visitor identification code, a visit identification number for the scheduled visit, and the date and time a visitor used any one of the plurality of biometrics readers.

10. (Original) The Internet co-location facility security system of Claim 9 wherein the co-located members may access the information in the database regarding a visitor's use of the plurality of biometrics readers by using the web-based interface accessible from one or more remote computer terminals connected to the Internet.

11. (Previously Presented) An Internet co-location facility security system, comprising:

- an enrollment biometrics reader;
- an access control system coupled the enrollment biometrics reader and to a plurality of other biometrics readers;
- a computer including a central software program connected to the access control system, the central software program configured to monitor the use of the plurality of other biometrics readers; and
- a server including a database connected to the central software program, the database configured to receive information from the central software program

regarding the use of the plurality of biometrics readers by a visitor associated with a co-located member during a visit to the co-location facility, the server further configured to transmit this information through the Internet to a web-based interface; and

the web-based interface further configured to allow the co-located member, or the visitor associated with the co-located member, to schedule the visit to the co-location facility via the Internet.

12. (Original) The Internet co-location facility security system of Claim 11 further including an imaging device to record an image of a personal characteristic of a visitor not previously enrolled in the security system, the image of the personal characteristic stored on a storage device in the enrollment biometrics reader.

13. (Previously Presented) The Internet co-location facility security system of Claim 12 further including an input device coupled to the enrollment biometrics reader configured to match a stored image of the visitor's personal characteristic with a visitor identification code entered into the enrollment biometrics reader through the input device.

14. (Original) The Internet co-location facility security system of Claim 13 wherein the enrollment biometrics reader transmits a stored image matched with a visitor identification code to the plurality of other biometrics readers located in the facility through a private security network.

15. (Previously Presented) The Internet co-location facility security system of Claim 11 including an input device coupled to the access control system and configured to allow a visitor to enroll in the access control system by entering visitor information into the input device.

16. (Previously Presented) The Internet co-location facility security system of Claim 11 wherein a stored image matched with a visitor identification code from the enrollment biometrics reader and identification information from the access control system is download by the central software program, the central software program configured to transmit the information through the Internet to the database on the server.

17. (Previously Presented) The Internet co-location facility security system of Claim 16 wherein the server is further configured to transmit the information from the central software program through a network to another database on another server in one or more other co-location facilities.

18. (Previously Presented) The Internet co-location facility security system of Claim 17 wherein the server is further configured to transmit the information through the network to an access control system and through a private security network to a plurality of biometrics readers in one or more other co-location facilities, the information transmitted by the database to automatically enroll the visitor on the access control system and the plurality of biometrics readers in the one or more other facilities.

19. (Cancelled)

20-25. (Cancelled)

26. (Previously Presented) An Internet co-location facility security system, comprising

a plurality of biometrics readers;

an access control system coupled to the plurality of biometrics readers;

a computer including a central software program connected to the access control system, the central software program configured to monitor the use of the plurality of biometrics readers; and

a web-based interface communicatively coupled to the computer and configured to allow a co-located members, or visitor associated with the co-located member, to schedule a visit to the co-location facility through the Internet.

27. (Previously Presented) The Internet co-location facility security system of Claim 26 further including a server communicatively coupled to a database, the sever further communicatively coupled the central software program, the server configured to receive information from the central software program regarding the use of the plurality of biometrics readers by the visitor and to transmit this information to the co-located members through a network.

28. (Previously Presented) The Internet co-location facility security system of Claim 26 further including an input device coupled to each of the plurality of biometrics readers and configured to receive input pertaining to a visitor identification code of a the visitor, wherein a match between the visitor identification code and the visitor's personal identification characteristics trigger the access control system to allow the visitor ~~to gain~~ access to designated areas in the co-location facility.

29. (Previously Presented) The Internet co-location facility security system of Claim 26 wherein the access control system further includes a transmitter to transmit the information regarding the use of the plurality of biometrics readers to the central software program, the information regarding the use of the plurality of biometrics readers

including a visitor identification code and the date and time the visitor used one or more of the plurality of the biometrics readers.

30. (Previously Presented) The Internet co-location facility security system of Claim 26 wherein the central software program is configured to combine a visit identification number with the information regarding the use of the plurality of biometrics readers from the access control system, the combined information transmitted to the database on the server where it is accessible to co-located members from one or more remote computer terminals connected to the Internet.

31 –35 (Cancelled)

Exhibit B

Equinix
Invoice No. 163700
July 27, 2000
Page 2

→ 004609.P002
CUSTOMER RELATIONSHIP
MANAGEMENT AND SECURITY
SYSTEM FOR IBX FACILITIES -
UTILITY

		ATTY	HRS
05/04/00	Preparation of Patent Application.	CRB	6.50
05/12/00	Preparation of patent application.	JHS	1.50
05/15/00	Preparation of patent application.	CRB	1.75
05/16/00	Preparation of patent application.	CRB	3.00
05/17/00	Preparation of patent application.	CRB	4.00
05/18/00	Preparation of patent application.	CRB	3.75
05/19/00	Preparation of patent application.	CRB	6.75
05/20/00	Preparation of patent application.	CRB	0.50
05/21/00	Preparation of patent application.	CRB	1.50
05/22/00	Preparation of patent application.	CRB	7.00
05/23/00	Preparation of patent application.	CRB	5.25
05/24/00	Preparation of patent application.	CRB	12.35
05/25/00	Preparation of patent application.	CRB	2.25
05/25/00	Meeting with client.	CRB	3.50

Equinix
Invoice No. 163700
July 27, 2000
Page 3

05/26/00	Preparation of patent application.	CRB	6.50
06/07/00	Preparation of patent application.	CRB	9.70
06/08/00	Preparation of patent application.	CRB	5.75
06/09/00	Preparation of patent application.	CRB	3.30
06/13/00	Preparation of patent application.	CRB	7.10
06/14/00	Preparation of patent application.	CRB	3.75
06/15/00	Preparation of patent application.	CRB	3.50
06/26/00	Preparation of patent application.	CRB	2.75
06/27/00	Preparation of patent application.	CRB	0.25

Total Services This Matter

Timekeeper	Rate	Hour
JAMES H. SALTER	350.00	1.50
CAITLIN R. BURGESS	125.00	100.70
Total Fees		102.20

REF. NO. 004609

September 21, 2000
INVOICE NO. 166911

→ 004609.P002
CUSTOMER RELATIONSHIP
MANAGEMENT AND SECURITY
SYSTEM FOR IBX FACILITIES -
UTILITY

		ATTY	HRS
07/07/00	Preparation of patent application and conversation with client re: patent application.	CRB	1.75
07/20/00	Conversation with client re: patent application revisions and patent application preparation.	CRB	4.00

Equinix
Invoice No. 166911
September 21, 2000
Page 2

07/24/00	Conversation with client re: revision of patent application.	CRB	0.25
08/28/00	Conversation with client re: patent application.	CRB	0.50
08/29/00	Services in connection with preparation and filing of patent application.	JHS	2.00

Total Services This Matter

Timekeeper	Rate	Hour
JAMES H. SALTER	350.00	2.00
CAITLIN R. BURGESS	225.00	6.50
Total Fees		8.50

U.S. Patent and Trademark Office patent application filing fee 988.00